

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AMANDA B.,

**Plaintiff,**

V.

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

CASE NO. 3:18-CV-06028-BHS-DWC

## REPORT AND RECOMMENDATION

Noting Date: July 2, 2019

The District Court has referred this action, filed pursuant to 42 U.S.C. § 405(g), to United

States Magistrate Judge David W. Christel. Presently before the Court is the parties' Stipulated

Motion for Remand. Dkt. 15. After reviewing the Stipulated Motion and the relevant record, the

Court recommends the following:

The Stipulated Motion be granted, and the case be reversed and remanded under sentence four of 42 U.S.C. § 405(g).

On remand, the Appeals Council shall re-evaluate this case for a possible finding of disability without a new hearing.

If the Appeals Council does not issue a finding of disability, this case is remanded with instructions to an Administrative Law Judge (“ALJ”). The Administrative Law Judge shall:

- Grant Plaintiff a new hearing;
  - Re-evaluate the medical evidence;
  - Reconsider the possible applicability of Listing 12.05B;
  - Re-evaluate Plaintiff's subjective complaints;
  - Reassess Plaintiff's maximum residual functional capacity;
  - Obtain supplemental evidence from a vocational expert; and
  - Issue a new decision.

10 The parties agree Plaintiff is entitled to reasonable attorney fees under the Equal Access  
11 to Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

Given the facts and the parties' stipulation, the Court recommends the District Judge immediately adopt this Report and Recommendation.

Dated this 2nd day of July, 2019.

David W. Christel  
David W. Christel  
United States Magistrate Judge